

CHAPTER 10. APPEALS FROM DECISIONS

10.01 BASIS FOR APPEAL

In a few instances, decisions concerning R&D (research and development) projects, programs, facilities, or funds are considered to be erroneous and detrimental. Such decisions may be appealed. Opinions, for example those of such advisory bodies as the Merit Review Boards, are not decisions in this sense and cannot be appealed. Exception may be taken to them as part of an appeal when it seems likely that they have influenced a decision.

10.02 APPEAL OF LOCAL DECISIONS

Within the health care facility, a local decision can be appealed to the facility Director within 30 days of written notification to the investigator. The Director usually refers the appeal to the R&D Committee for its advice and may submit the matter to the appropriate R&D service director, VA Central Office, through the appropriate channels.

10.03 APPEAL OF OUTSIDE DECISIONS

Appeal of a decision made outside the facility must be reviewed by the R&D Committee and by the Director. If the latter decides that the appeal has validity and significance, it is forwarded through channels to the appropriate R&D service director, VA Central Office, with written comments by the committee and the facility Director.

10.04 APPEAL PROCEDURES

An appeal to VA Central Office shall be accompanied by all available relevant documentation and submitted in a timely fashion. It shall be addressed through the proper channels to the Director of the appropriate R&D service. If the facility Director deems it advisable, the appeal can be sent to the ACMD/R&D (Assistant Chief Medical Director for Research and Development) or, in unusual cases, to the Chief Medical Director. Appeals, however, should be kept at a minimum consistent with sound review and fairness.

10.05 MERIT REVIEW APPEAL PROCEDURES

Merit Review results may be appealed only if the program is disapproved or received a priority score that precludes funding. The basis for the appeal should focus on the actions of the particular review board and may be made when, in the opinion of the investigator, the board did not understand the research, missed relevant points, possible bias, etc. Additional information regarding the appeal procedures established by each of the three R&D services is contained in M-3, parts II, 111, and IV.